

(H) THE ALLOWANCE OF A SURVIVING SPOUSE UNDER § 6-411 OF THIS SUBTITLE SHALL BE ADJUSTED BY THE SAME RATIO AS PROVIDED IN THIS SECTION.

COMMITTEE NOTE: This section formerly appeared as Art. 88B, § 53A.

Former Art. 88B, § 53A (e-1) and (h) are deleted as obsolete.

The new language in subsection (h) of this section is added to clarify that a surviving spouse entitled to a death benefit receives the same adjustment that is allowed for a surviving beneficiary of a retired member.

The only other changes are stylistic or technical.

6-411. DEATH BENEFIT FOR MEMBERS IN SERVICE.

(A) (1) UPON THE RECEIPT OF PROPER PROOF OF THE DEATH OF A MEMBER IN SERVICE THERE SHALL BE PAID TO THE MEMBER'S ESTATE OR TO ANY PERSON HAVING AN INSURABLE INTEREST IN THE LIFE OF THE DECEASED, THAT THE MEMBER HAS NOMINATED BY WRITTEN DESIGNATION DULY EXECUTED AND FILED WITH THE BOARD OF TRUSTEES:

(I) THE MEMBER'S ACCUMULATED CONTRIBUTIONS; AND

(II) IF THE MEMBER HAS ONE THROUGH TWO YEARS OF CREDITABLE SERVICE, AN AMOUNT EQUAL TO THE MEMBER'S ANNUAL EARNABLE COMPENSATION AT THE TIME OF DEATH.

(2) THE BOARD OF TRUSTEES MAY TAKE THE STEPS NECESSARY TO PROVIDE THE DEATH BENEFIT UNDER THIS SUBSECTION IN THE FORM OF GROUP LIFE INSURANCE, IF, IN THE OPINION OF THE BOARD OF TRUSTEES, THAT PROVISION WOULD ALLOW A MORE FAVORABLE TAX TREATMENT OF THE BENEFIT TO THE BENEFICIARIES THEREOF.

(3) NO ORDINARY DEATH BENEFIT SHALL BE PAID FOR THE DEATH OF ANY MEMBER IF A SPECIAL DEATH BENEFIT IS PAID FOR THE SAME.

(B) (1) UPON THE RECEIPT OF PROPER PROOF OF THE DEATH OF A MEMBER IN SERVICE WHO HAD EITHER MORE THAN TWO YEARS OF CREDITABLE SERVICE OR WHOSE DEATH AROSE OUT OF OR IN THE COURSE OF THE ACTUAL PERFORMANCE OF DUTY, IF IN EITHER EVENT THE DEATH WAS WITHOUT WILLFUL NEGLIGENCE ON THE PART OF THE DECEASED, AND UPON THE FINDING AND CERTIFICATION BY THE BOARD THAT THE DEATH SO OCCURRED, THERE SHALL BE PAID: